

06/719,507


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/719,507	06/03/95	REIFFIN	

 MARTIN B. REIFFIN
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APT. 2404
ALBANY, CA 94706

EXAMINER	
LEE ST	
ART UNIT	PAPER NUMBER
26-50	14 + 3

DATE MAILED:

09/18/97

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined
 ☒ Responsive to communication filed on 6/12/87, 7/17/87
☒ This action is made final.

 A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
 Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 26-50 are pending in the application.
 Of the above, claims are withdrawn from consideration.
2. ☒ Claims 1-25 have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 26-50 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on . These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on ,
 has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed , has been ☐ approved. ☐ disapproved (see explanation). However,
 the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are
 corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO
 EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. ; filed on .
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
 accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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1. Claims 26-50 are presented for examination.
2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to adequately teach how to make and use the invention, i.e. failing to provide an enabling disclosure.

Applicant fails to adequately disclose a buffer for storing character codes. Specifically, applicant fail to disclose a prior art buffer or one of his own design which stores character codes originated from an interrupt means.

The examiner contends that it would require undue experimentation for one of ordinary skill in the art to make and use of the claimed invention for the reason set forth hereinabove. Applicant is reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C. 132 and 37 CFR 1.118(a).

In the amendment filed on 6/12/87, applicant asserts that (t)he limitation "buffer" remains and is readable upon the "received data register of the UART disclosed in line 28 of page 10 of the specification" (emphasis added). The examiner respectfully traverses application's assertion. More particularly, "a byte of

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data has been received and is available in the UART received data register" (page 11 lines 25-26) and "the UART receives a byte from the CRT CONSOLE" (page 11 lines 28-29) clearly indicate that only one byte of code, not codes, can be stored in the received data register (the claimed buffer). On the other hand, fig. 2 of the drawings clearly shows that no codes can be written from an "interrupt means into the received data register of the UART. Therefore, the received data register of the UART can not be claimed buffer, as asserted by the applicant. There is no disclosure of a buffer which stores codes originated from an interrupt means.

3. Claims 26-50 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the above objection to the specification.

4. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 26-30, 32-36, 38-41, 43-45 are rejected under 35 U.S.C. 103 as being unpatentable over Lawrence et al. and Capek et al.

Lawrence et al. was cited as the prior art reference in the last Office action and its relevant teachings are incorporated by reference as set forth in paragraph 6 of the last Office action.

6. Lawrence et al. discloses the invention substantially the same as claimed, comprising a central processing unit (microprocessor 26), a keyboard with a plurality of keys (KB1), a memory for storing the entered code (text stream buffer 36), a compiler (interpreter/formatter), and an editor 10. During the formatting operation, an interpreter/formatter normally has the control of the system. Upon the activation of a keystroke, the interpreter/formatter is interrupted and the control of the system is passed to the editor. After the editor has completed the entry of the code byte, the system control is returned to the interpreter/formatter. See Fig. 5, col. 11 lines 51-56, col. 12 lines 50-53, col. 14 lines 13-17 and lines 26-30.

7. Lawrence et al. do not teach a computer system which includes a buffer for temporarily storing data entered through the keyboard. Capek et al. teach a computer which includes a buffer for temporary storing data entered through the keyboard, see page 90 lines 8-13. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Capek et al. into Lawrence et al. system because, as the claimed invention, Lawrence et al. teach a general purpose computer system which exchanges control between the interpreter/formatter and an editor and Capek et al.

teach a computer with a buffer for temporarily storing data entered through the keyboard whereby Capek et al. buffer could be incorporated into Lawrence et al. system thereby increasing its versatility.

8. Applicant's arguments with respect to claims 26-30, 32-36, 38-41, 43-45 have been considered but are deemed to be moot in view of the new grounds of rejection.

In the remarks, applicant alleges that the disclosure of Lawrence et al. reference does not provide an enabling disclosure for the function relied upon by the examiner in the rejection. The citations of case laws are duly noted. In regarding to matter of the sufficiency of the disclosure of a cited reference, the court says "when PTO cited a disclosure which expressly anticipated the present invention, the burden was shifted to the applicant. He has to rebut the presumption of the operability of (the cited prior art patent) by a preponderance of evidence" (emphasis added). In re Sasse et al. 207 USPQ 107, (CCPA, 1980). In the instant case, applicant has not rebutted the presumption of the operability of Lawrence et al. by a preponderance of evidence. Therefore, it is the examiner's position that the disclosure of Lawrence et al. reference does provide an enabling disclosure for the functions relied upon by the examiner in the rejection set forth hereinabove.

9. In regarding to the remarks set forth in paragraph 13 of the last Office action, it is the

examiner's position that when the teachings of the whole Lawrence et al. reference is taken into consideration, it would have been obvious to one of ordinary skill in the art that the interpreter/formatter has to be interrupted when a key is struck in order to transfer the control of the system to the editor. Specifically, the interpreter/formatter normally performs its operation until the end of the screen (Col. 11 lines 44-46). If ~~other~~ interpreter/formatter transfers its control of the system to the editor at the end of a row, (col. 11, lines 51-54) the interpreter/formatter must have been interrupted.

10. In the remarks, applicant points out that some of the independent claims, inter alia claims 36 and 39 already recite some of the functions performed by a compiler. On the other hand, some of the independent claims, inter alia. Claims 26 and 30, has been amended ~~to~~ recite the functions, i.e. scanning, parsing and translating, performed by the computer. What are scanning, parsing, and translating" By itself, they are merely labels of some functions. By the same token, "a computer for performing at least *lexical* and *syntactic* analysis of the source code" means a program performs some functions on the data. Within the breadth and scope of the claimed limitations, its the examiner's position that scanning, parsing, and translation are merely the label of some functions performed by a program on some data.

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11. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

The deleting of the limitation "look-ahead" form the claims necessitates the recitation of new reference to Capek et al. Specifically, the amended claims are now *entitled* to the filing date of the parent application, i.e. 9/28/1982 thereby removing *Natm* as a prior art reference. It is noted that Capek et al. has a publication date of 6/82 which is before the filing date of the parent application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Lee whose telephone number is (703) 557-4999.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-2878.

TL/ba

9/3/87

Raulf B. Zache
RAULF B. ZACHE
PRIMARY EXAMINER
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